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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

)	Case No. CV
Plaintiffs,)	
)	STANDING ORDER
v.)	
)	
Defendants.)	
_____)	

**READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge Nora M. Manella.

Both the Court and the attorneys bear responsibility for the progress of
litigation in the Federal Courts. This order applies to all parties including those
appearing pro se. To secure the just, speedy, and inexpensive determination of
every action, Fed. R. Civ. P. 1, all counsel are ordered to familiarize themselves with

1 the Federal Rules of Civil Procedure and the Local Rules of the Central District of
2 California.¹

3 IT IS FURTHER ORDERED:

4 **1. Service of the Complaint:** The Plaintiff shall promptly serve the
5 Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service
6 pursuant to Local Rule 5-3.1.

7 **2. Removed Actions:** Any answers filed in state court must be attached to
8 the Notice of Removal. Any pending motions must be re-noticed as required by
9 Local Rule 7.

10 **3. Presence of Lead Counsel:** Lead trial counsel shall attend any proceeding
11 before this Court, including all status conferences, as well as settlement conferences
12 with the Magistrate Judge, an attorney settlement officer or a private mediator.

13 **4. Rule 26(f) Meeting of Counsel:** Counsel for the parties shall meet
14 personally pursuant to FRCP 26(f) and applicable Local Rules in anticipation of the
15 court-ordered scheduling conference. FRCP 16(b).

16 **5. Joint Report of Rule 26(f) Meeting:** No later than fifteen (15) court
17 days before the Scheduling Conference, counsel shall file a Joint Report of Rule
18 26(f) Meeting. **A conformed courtesy copy** of the Joint Report shall be delivered to
19 the courtesy box on the wall outside the entrance to Judge Manella's chambers on the
20 Spring Street level of the U.S. Courthouse, 312 North Spring Street, **by 4:00 p.m. on**
21 **the date due.** A Joint Report which is not timely filed or does not conform with this

22 _____
23 1. Copies of the Local Rules are available on our website at
24 “<http://www.cacd.uscourts.gov>” or they may be purchased from one of the following:

25 Los Angeles Daily Journal
26 915 East 1st Street
27 Los Angeles, California 90012

West Group
610 Opperman Drive
Post Office Box 64526
St. Paul, Minnesota 55164-0526

28 Metropolitan News
210 South Spring Street
Los Angeles, California 90012

1 Order, FRCP 26(f), and applicable Local Rules will interfere with preparation by the
2 Court and its staff, and may result in delays and/or the assessment of sanctions.

3 The Joint Rule 26(f) Report shall address the matters set forth in FRCP 26(f)
4 (some of which are enumerated below), and shall also contain the following:

- 5 (a) A brief statement by each party, not to exceed one (1) page, setting forth
6 that party's factual summary of the case, including the basis for any
7 claims, counterclaims, or defenses.
- 8 (b) The basis for the Court's subject-matter jurisdiction.
- 9 (c) A brief description of the key legal issues.
- 10 (d) The realistic range of probable damages.
- 11 (e) The likelihood of appearance of additional parties.
- 12 (f) Whether all or part of the procedures of the Manual for Complex
13 Litigation should be utilized.
- 14 (g) A proposed discovery cut-off date. Note: this means the final day for
15 completion of discovery, including resolution of all discovery motions.
- 16 (h) What motions (other than discovery motions) are contemplated.
- 17 (i) Prospects of settlement based on counsel's discussion at the Rule 26(f)
18 meeting and any other communications.
- 19 (j) Whether the trial will be a court or jury trial.
- 20 (k) The estimated length of trial.
- 21 (l) The name of the attorney(s) who will try the case.
- 22 (m) Prospects of counsel exercising their right, under 28 U.S.C. §636, to
23 consent to the designation of a Magistrate Judge to conduct all
24 proceedings (including trial) and final disposition, pursuant to General
25 Order 194-G.²

25 2. Counsel should note that they may select from among the panel of available Magistrate
26 Judges i.e., counsel are not limited to consenting to the Magistrate Judge assigned to this case,
27 provided all parties concur. A list of the current available Magistrate Judges is included. Counsel
28 should note that the Magistrate Judge will set his/her own discovery schedule and will be able to
give counsel a "date certain" for trial.

1 **6. Mandatory Settlement Procedure:**

2 a. **ADR Pilot Program:** This Court is part of the Alternative Dispute
3 Resolution (ADR) Pilot Program. For cases referred to ADR, counsel will be
4 required to complete the ADR Questionnaire and file it at the time the Joint Report
5 is filed. Counsel will thereafter have the option of completing a stipulation selecting
6 the agreed upon Settlement Officer, or having the Program Coordinator randomly
7 select a Settlement Officer for the case.

8 b. **Cases not in the ADR Pilot Program:** In conformity with the Local
9 Rules, counsel shall file the settlement procedure selection by the date given by the
10 Court at the time of the Scheduling Conference. Available alternatives for
11 consideration include:

- 12 (1) a settlement conference before the Magistrate Judge assigned to the
13 case; Note: the Court does not participate in settlements of cases on its
14 own docket.
15 (2) a settlement conference or mediation before an attorney selected from
16 the Attorney Settlement Panel (list available from the court's Website);
17 (3) the employment by the parties of a private judge, mediator or arbitrator.

18 **7. Discovery:** All discovery matters have been referred to a United States
19 Magistrate Judge, who will hear all discovery disputes. (The Magistrate Judge's
20 initials follow the Judge's initials next to the case number.) All discovery documents
21 must include the words "DISCOVERY MATTER" in the caption to ensure proper
22 routing. Counsel are directed to contact the Magistrate Judge's Courtroom Deputy
23 Clerk to schedule matters for hearing. Please do not deliver courtesy copies of these
24 documents to this Court.

25 The decision of the Magistrate Judge shall be final, subject to modification by
26 the District Court only where it has been shown that the Magistrate Judge's Order is
27 clearly erroneous or contrary to law. Any party seeking review of a Magistrate
28 Judge's order must file and serve a motion within ten (10) days of service of a
written ruling or within ten (10) days of an oral ruling that the Magistrate Judge

1 states will not be followed by a written ruling. Local Rule 72-2.1. The motion must
2 specify which portions of the ruling are clearly erroneous or contrary to law and
3 support the contention with points and authorities. Counsel shall deliver a
4 conformed copy of the moving papers and responses to the Magistrate Judge's clerk
5 at the time of filing.

6 **8. Motions:**

7 **a. Time for Filing and Hearing Motions:** Motions shall be filed in
8 accordance with Local Rule 7; the next available motion date can be obtained from
9 the Courtroom Deputy or the Filing Window. This Court customarily hears motions
10 on **Mondays, commencing at 10:00 a.m.** Counsel will be sent a briefing schedule
11 giving due dates for opposition and reply, including all declarations and supporting
12 documentation. **No supplemental brief shall be filed without prior leave of Court.**
13 **Local Rule 7-10.** Conformed courtesy copies of **reply papers only** shall be
14 delivered to the courtesy box on the wall outside the entrance to Judge Manella's
15 chambers on the Spring Street level of the U.S. Courthouse, 312 North Spring Street,
16 **by 4:00 p.m. on the date due.**

17 Adherence to the timing requirements is essential for the Court's preparation of
18 motion matters.

19 **b. Pre-filing Requirement:** Counsel should take note of the changes
20 to the Local Rules affecting motion practice in the Central District. Among other
21 things, Local Rule 7-3 requires counsel to engage in a pre-filing conference “to
22 discuss thoroughly . . . the substance of the contemplated motion and any potential
23 resolution,” and to confirm in the notice of motion that such conference has taken
24 place. Local Rule 7-3. Counsel should discuss the issues sufficiently that if a motion
25 is still necessary, the briefing may be directed to those substantive issues requiring
26 resolution by the Court. Counsel should resolve minor procedural or other non-
27 substantive matters during the conference. **Failure to comply with Local Rule 7-3**

1 and to set forth such compliance in the notice of motion will result in the motion
2 being vacated.

3 c. **Length and Format of Motion Papers:** Memoranda of Points
4 and Authorities in support of or in opposition to motions shall not exceed 25
5 pages. Replies shall not exceed 12 pages. Only in rare instances and for good
6 cause shown will the Court grant an application to extend these page limitations.

7 Typeface shall comply with Local Rule 11-3.1.1. **NOTE:** If Times Roman
8 font is used, the size must be no less than 14; if Courier is used, the size must be
9 no less than 12. Footnotes shall be in typeface no less than one size smaller than
10 text size and shall be used sparingly.

11 Filings that do not conform to the Local Rules and this Order will not be
12 considered.

13 d. **Courtesy Copies:** Counsel shall deliver a conformed courtesy copy
14 of all **reply** papers to the courtesy box on the wall outside the entrance to Judge
15 Manella's chambers on the Spring Street level of the U.S. Courthouse, 312 North
16 Spring Street, **by 4:00 p.m. on the date due.** Unless so ordered, please do not
17 supply courtesy copies of moving or opposition papers.

18 e. **Motions for Summary Judgment:** Before filing a motion for
19 summary judgment, counsel are strongly encouraged to review Chapter 14 of
20 Schwarzer, Tashima & Wagstaffe, California Practice Guide: Federal Civil
21 Procedure Before Trial (1998). To assist the Court, the moving party shall submit
22 the required Statement of Uncontroverted Facts and Conclusions of Law as set forth
23 in Form 14:C (**copy attached as Exhibit 1**). The opposing party shall submit the
24 required Statement of Genuine Issues as set forth in Form 14:D (**copy attached as**
25 **Exhibit 2**), responding first to each of the moving party's alleged uncontroverted
26 facts, then listing any material facts in dispute, and citing to supporting evidence.
27 **Note: Separate statements that fail to comply with the above format will not be**
28 **considered.**

1 **9. Proposed Orders:** Each party filing or opposing a motion or seeking the
2 determination of any matter shall serve and lodge a Proposed Order setting forth the
3 relief or action sought and a brief statement of the rationale for the decision with
4 appropriate citations. If the Proposed Order exceeds two pages, the proposing party
5 shall also submit the document on a 3½-inch diskette compatible with WordPerfect
6 11.

7 **10. Telephonic Hearings:** The Court will conduct status conferences by
8 telephone if any party outside the district so requests and all involved parties
9 consent. The attorney requesting the telephonic hearing shall contact the Courtroom
10 Deputy Clerk, Judy Hurley, (213)894-0200, at least one week prior to the date
11 scheduled for the motion or conference to make the necessary arrangements.

12 A member of the Court's staff will place the conference call.

13 **11. Ex Parte Applications:** Counsel are reminded that ex parte applications
14 are solely for extraordinary relief. See Mission Power Engineering Co. v.
15 Continental Casualty Co., 883 F. Supp. 488 (C.D. Cal. 1995). Applications that fail
16 to conform with Local Rules 7-19 and 7-19.1, **including a statement of opposing**
17 **counsel's position**, will not be considered. The Court considers ex parte applications
18 on the papers and usually does not set these matters for hearing. In addition to the
19 requirements of Local Rules 7-19 and 7-19.1, counsel for the moving party shall
20 serve opposing counsel by facsimile transmission and shall notify opposing counsel
21 that opposition papers must be filed no later than 24 hours following such facsimile
22 service. Counsel shall deliver a conformed courtesy copy of moving, opposition, or
23 notice of non-opposition papers to the courtesy box outside the entrance to Judge
24 Manella's chambers on the Spring Street level of the U.S. Courthouse, 312 North
25 Spring Street. The Courtroom Deputy Clerk will notify counsel of the Court's ruling
26 or a hearing date and time, if the Court determines a hearing is necessary.

27 **12. Continuances:** Counsel requesting a continuance must lodge -- prior to
28 the date to be continued -- a Proposed Stipulation and Order including a detailed

1 declaration of the grounds for the requested continuance or extension of time. Local
2 Rule 7-11. The Court grants continuances only upon a showing of good cause,
3 focusing on the diligence of the party seeking the continuance and any prejudice that
4 may result if the continuance is denied. Failure to comply with the Local Rules and
5 this Order will result in rejection of the request without further notice to the parties.

6 **Proposed stipulations to continue scheduling dates shall address the effect of**
7 **such continuance on any other dates previously set by the Court. Such**
8 **stipulations do not become effective unless and until signed by the Court.**

9 **Parties requesting conformed copies shall comply with Local Rule 11-4.5.**

10 **13. Communications with Chambers:** Counsel shall not attempt to contact
11 the Court or its chambers staff by telephone, letter, facsimile, e-mail or by any other
12 ex parte means. Local Rule 83-2.11. Counsel may contact the **Courtroom Deputy,**
13 **Judy Hurley, at (213)894-0200,** with appropriate inquiries. To facilitate
14 communication with the Courtroom Deputy, counsel should list their facsimile
15 transmission numbers along with their telephone numbers on all papers.

16 **14. Notice of this Order:** Counsel for plaintiff shall immediately serve this
17 Order on all parties, including any new parties to the action. If this case came to the
18 Court by noticed removal, defendant shall serve this Order on all other parties.
19 Enclosed is a Document Imaging Enrollment Form for counsel to complete and
20 return to the address indicated on the form.

21
22 Dated:

23 _____
24 NORA M. MANELLA
25 United States District Judge
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